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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,051	05/14/2007	Norman West Bellamy	MARK6037	3528

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SUITE 106

PORTOLA VALLEY, CA 94028

EXAMINER

SIMMONS, DAVID A

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

08/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

alan@younglawfirm.com

Office Action Summary	Application No. 10/599,051	Applicant(s) BELLAMY ET AL.	
	Examiner DAVID SIMMONS	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-87 is/are pending in the application.
- 4a) Of the above claim(s) 58-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(1) Claims 44-54 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brandenburger (USP 5,798,013).

The patent to Brandenburger discloses a method for making a tubular liner for use in lining the interior of a pipeline. The liner is manufactured by winding structural layers comprising curable resin impregnated fibrous webs between two containment layers of fluid impervious sheet material. See col.9, lines 66-67 to col. 10, line7; col. 22-25; col. 10, lines 59, to col. 11, line 3. The composite is formed by either helical winding in one embodiment or longitudinal folding in another. In both embodiments the edges of the impervious sheets are heat sealed to prevent leakage when used as a liner. The reference discloses that the liner may be wound up for later use in an inverting application or used “in-situ” at the site. See col. 11, lines 13-19.

The limitations of dependent claims 49-54 which require the use of first and further structural layers helically wound in opposite directions between two containment layers are disclosed in-part at col. 6, line 58 to col. 7, line 4.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(2) Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Brandenburger patent applied in (1) above further in view of Jeong (USP 6,588,456).

The Brandenburger patent does not teach the use three fluid impervious containment layers in a pipe liner with each of these layers separated by reinforcing structural layers.

However, this structure is well known in the manufacture of tubular structures of the type claimed. Jeong discloses a hose formation that includes at least three impervious layers, 62, 64 and 66 separated by fibrous reinforcing layers, 63 and 65. See Fig. 7 and col. 6, lines 25-49.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tubular configuration as taught by Jeong in the manufacturing method of Brandenburger in order to improve the structural and impermeability of the resultant liner by the addition of extra material layers. Furthermore, Brandenburger, suggests that his structure has applicability as not only a liner, but as a stand-alone tube like that of Jeong. See col. 6, lines 52-57. Therefore, since Brandenberger, suggests the use of the claimed structure as either a liner or stand-alone tubular member, one skill in the art would be motivated to use the teachings

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of Jeong related to stand-alone tubes in the method of making liners disclosed by Brandenburger.

(3) Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Brandenburger reference as applied in (1) above further in view of Robertson (USP 5,127,260).

The patent to Robertson discloses a method for testing the integrity of a welded seam for plastic sheets. As best shown in Fig. 3-5, a pair of thermoplastic sheets are heat sealed together in spaced parallel lines, 10-11, to form a passage, 15. The purpose of the passage is so air under pressure may be introduced therein. A defective seal would be detected by air leaking from the seam. See col. 2, lines 50-57.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a test structure and tested seam integrity as is well known from the teachings of Robertson in the method of the Brandenburger patent in order to test the integrity of the containment liner seams prior to use, thus preventing the catastrophic failure of such after installation within a pipeline.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. However, this art relates to the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID SIMMONS whose telephone number is (571)272-5801. The examiner can normally be reached on Tues. and Thu. 7:15 AM to 3:45PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/das/
Examiner
Art Unit 1791

/Jeff Aftergut/
Primary Examiner
Art Unit 1791